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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/642,716	08/18/2003	Stephen G. Kimmet	1-16294	4389

7590 10/28/2004

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EXAMINER

PUROL, DAVID M

ART UNIT	PAPER NUMBER
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3634

DATE MAILED: 10/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/642,716	Applicant(s) KIMMET, STEPHEN <i>S.</i>	
	Examiner David M Purol	Art Unit 3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 August 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 8/16/04 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. The terminal disclaimer filed on August 16, 2004 is proper and has been recorded.
2. The proposed drawing correction filed on August 16, 2004 is disapproved for figure 1 contains new matter in the form of depicting locking bar 44. The applicant states that the abstract of Serial No. 09/524,339 supports the subject matter of figure 1 as having a locking bar 44. However, there is nothing within the abstract of Serial No. 09/524,339 which indicates that the embodiment of figure 1 of the instant application is that embodiment which comprises a locking bar.
3. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 3 is indefinite for it sets forth the embodiment of the folding panel assembly as drawn to figure 1 as having a locking bar, wherein, only the embodiment of the folding panel assembly as drawn to figure 2 is disclosed as comprising the locking bar.

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 5,11 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. These claims contain subject matter which was not described in the specification in such a way as to enable one skilled in the art to

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which it pertains, or with which it is most nearly connected, to make and/or use the invention.

It is not known the structure and the software/hardware interface which comprises the computer controlled display. Applicant's submission of Exhibit A is noted. However, this exhibit does not provide one with a description of the claimed panels and the structure of the software/hardware interface which might comprise the claimed computer controlled display.

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,2,6-9,12,13 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Bruneau. Bruneau discloses the claimed folding panel assembly including a plurality of folding panels 6 hingedly mounted to vertically-oriented frames, first and second locking bars 30,31.

The applicant states that Bruneau does not disclose the limitation of each successive panel is supported solely by its preceding panel and instead Bruneau is directed to a security shutter that is resistant to forced entry through an opening that has upper and lower brackets 10 which cooperate with locking elements 8 to unite panels with a frame which includes an upper runner 1 and a lower runner 2 in a closed position of the shutter. This is not convincing for the claims of the instant application do not

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preclude the presence of locking elements. Furthermore, Bruneau clearly discloses in figure 1 that each successive panel is supported solely by its preceding panel.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4,10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bruneau in view of Dykes. While Bruneau does not set forth a decorative or descriptive panel, Dykes discloses a folding panel assembly comprising decorative or descriptive panels 30a-d, wherein, to incorporate this teaching into the folding panel assembly of Bruneau for the purpose of aesthetics would have been obvious to one of ordinary skill in the art.

The applicant states that there is no suggestion or motivation to modify or combine the references of Bruneau or Dykes. This is not convincing for each of these references are from the applicant's field of endeavor of articulated panel closures and as such the applicant is presumed to have full knowledge of the prior art in their respective field.

7. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bruneau in view of Thun et al. While Bruneau does not set forth the use of a spring, Thun et al disclose a folding panel assembly 20,21 comprising spring 58 biased hinges 29, wherein, to incorporate this teaching into the folding panel assembly of Bruneau for the


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purpose of facilitating the movement of the panels would have been obvious to one of ordinary skill in the art.

8. The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Rosenthal which discloses a plurality of folding panels each of which are supported solely by its preceding panel.

9. Applicant's amendment clarifying the scope of claim 14 necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


David M Puro
Primary Examiner
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